IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2683 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

BHAGUBHAI A PATEL - Petitioner(s)
Versus
GUJARAT ELECTRICITY BOARD & 1 - Respondent(s)

==========

Appearance :
MR MUKESH H RATHOD for Petitioner(s) : 1,
None for Respondent(s) : 1,
MR MD PANDYA for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/12/2006

ORAL JUDGMENT

1.By way of this petition under Article 226 of the Constitution of India, the petitioner has challenged the order passed by the respondents dated 17.12.1996 by

which the Competent Authority has reviewed the case and date of birth of the petitioner has been changed from 8.1.1940 to 15.4.1939.

2.It is the case on behalf of the petitioner that the correct date of birth of the petitioner was 8.1.1940 and by mistake in the service record, it was reported to be 15.4.1939. It is also the case on behalf of the petitioner that by order dated 30th October, 1981 the date of birth of the petitioner was changed in the service record as 8.1.1940 inplace of 15.4.1939, however, the case of the petitioner was reviewed in the year 1997 and the impugned decision came to be taken.

3.Today, when the matter is called out, Shri Rathod, learned advocate appearing for the petitioner has submitted that as the impugned decision was without giving any opportunity to the petitioner, the petitioner would like to make an appropriate representation to the respondents to put forward his case.

4.Under the circumstances, this petition is disposed of with a direction that as and when such a representation

is made before an appropriate authority, the same shall be considered in accordance with law and on merits as early as possible preferably within a period of 6 months from the date of receipt of such representation by such appropriate authority.

5.With these, the present Special Civil Application is disposed of. Rule is discharged. No costs.

[M.R.SHAH, J.]

kdc